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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,936	12/03/2003	Takuji Chiba	392.1845	4483

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

10/725,936

Applicant(s)

CHIBA ET AL.

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**First Action on the Merits**

1. Claims 1-4 of U.S. Application 10/725,936 filed on 12/03/2003 are presented for examination.

**Quotations of U.S. Code Title 35**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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### **Claim Rejections - 35 USC § 102**

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,862,056 ("Iwata").

#### **Regarding claim 1**

Iwata teaches a numerical control apparatus capable of controlling a plurality of controlled axes (see col. 1 line 7-14) and comprising:

- storage means for storing a command program describing movement amounts or positional information of controlled axes commanded in association with the axis numbers of the controlled axes (see col. 3 lines 45-56); and
- program analyzing means for analyzing the command program to decode it into the movement amounts or positional information of the axes (see col. 3 lines 57-64);
- wherein the plurality of axes are controlled according to the movement amounts or positional information analyzed by the program analyzing means (see col. 4 lines 17-37).

### **Claim Rejections - 35 USC § 103**

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,862,056 ("Iwata") in view of Japanese Patent No. 11-143511 ("Hosokawa").

#### **Regarding claim 3**

Iwata teaches a numerical control apparatus capable of controlling a plurality of controlled axes, comprising: storage means for storing correspondences between axis addresses designating the controlled axes and controlled axis numbers (see col. 3 lines 45-56).

Iwata does not specifically teach controlled axis number obtaining means for obtaining the controlled axis numbers from the axis addresses written in the command program, based on the correspondences stored in the storage means; and wherein the plurality of controlled axes are controlled based on the controlled axis numbers obtained from the controlled axis number obtaining means.

However, Hosokawa teaches a numerical control apparatus including a controlled axis number obtaining means for obtaining the controlled axis numbers from the axis addresses written in the command program, based on the correspondences stored in the storage means (see paragraph 59 and paragraph 67); and wherein the plurality of controlled axes are controlled based on the controlled axis numbers obtained from the controlled axis number obtaining means (see paragraph 55) for the purpose of reducing cost from utilizing less time and labor (see paragraphs 7-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of obtaining controlled axis numbers of Hosokawa with the system of Iwata because it would provide for the purpose of reducing cost from utilizing less time and labor.

**Regarding claim 2**

Iwata does not teach variable storage means for storing controlled axis numbers to be designated and set by the command program, wherein the controlled axis numbers can be designated by using variables.

However, Hosokawa teaches variable storage means for storing controlled axis numbers to be designated and set by the command program, wherein the controlled axis numbers can be

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designated by using variables (see paragraph 59) for the purpose of reducing cost from utilizing less time and labor (see paragraphs 7-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of obtaining controlled axis numbers of Hosokawa with the system of Iwata because it would provide for the purpose of reducing cost from utilizing less time and labor.

**Regarding claim 4**

Hosokawa teaches wherein the controlled axis numbers are designated by using operational expressions (see paragraph 72, TABLE 2 and paragraph 73).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*



October 3, 2005